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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David Bruce Kumhyr

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IBM CORP (YA)

C/O YEE & ASSOCIATES PC

P.O. BOX 802333

DALLAS, TX 75380

EXAMINER

CHAI, LONGBIT

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,416

Applicant(s)

KUMHYR, DAVID BRUCE

Examiner

Longbit Chai

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 34 have been presented for examination. Presently, pending claims are 1 – 34 in an amendment filed 12/22/2005.

Response to Arguments

2. Applicant's arguments with respect to the subject matter of the instant claims have been fully considered but are not persuasive.

3. Applicant asserts: "The present application and Guski (U.S Patent 5592553) were, at the time the invention of application was made, owned by IBM, or subject to an obligation of assignment to IBM". Applicant's arguments have been fully considered but are not persuasive because Guski reference was filed on 2/8/1996 and granted on 1/7/1997 while the instant application was filed on 8/23/2001. Therefore, Guski reference is qualified as a prior art with 102(b) date and as such this rejection can not be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 3, 5, 6, 9 – 11, 13, 14, 17 – 19, 21, 22, 25 – 27, 29, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guski (Patent Number: 5592553), in view of Leet-Speak ("Leet Speak", leet [speak@Everything2.com](mailto:leetspeak@Everything2.com), March 23, 2000).

As per claim 1, 9, 17 and 25, Guski teaches a method of generating a password, said method comprising:

receiving input from said user, specifying a password format (Guski: see for example, Figure 4 Element 424 / 310 and Column 9 Line 15 – 17 & Column 11 Line 41 – 45: 8-bytes or 8-characters format);

receiving a preferred word from a user (Guski: see for example, Abstract Line 1 – 13 and Column 3 Line 57 – 60: Guski teaches the non-time-dependent information that ultimately generates the desired password is preferably derived from the information such as a user ID or application ID (Examiner notes "preferably" – could also be something else as user preferred), which is qualified to serve as a simple / preferred word);

translating said preferred word to produce a password; and providing said password to an application (Guski: see for example, Figure 4 – Password Generation, Element 302 / Element 310, Column 11 Line 1 & Table 1 and Column 3 Line 18 – 36: The application is the target application as taught by Guski).

However, Guski does not disclose expressly wherein the translating step includes replacing a character of the preferred word with another character wherein the another character has a similar shape to the character of the preferred word.

Leet-Speak teaches the translating step includes replacing a character of the preferred word with another character wherein the another character has a similar shape to the character of the preferred word (Leet-Speak: Page 1, 2nd Para).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Leet-Speak within the system of Guski because (a) Kuski teaches a password generating / translating method (b) Leet-Speak teaches a method of text substitution such that the produced text is still readable by human but it is extremely difficult for the hacker / cracker to determine the exact contents (Leet-Speak: Page 1, 2nd Para).

wherein said preferred word is not permanently stored (Guski: see for example, Column 6 Line 35 – 36 and Column 6 Line 47 – 50: the UserID presented by the user at the authenticating node on access request is evidently not permanently stored);

said password is not permanently stored (Guski: see for example, Column 6 Line 35 – 36 and Column 6 Line 47 – 50: the password presented by the user at the authenticating node on access request is evidently not permanently stored); and

said password complies with said application's required password format (Guski: see for example, Column 9 Line 49 – 50 and Column 6 Line 50: A legal password should evidently comply with the password format).

As per claim 2, 10, 18 and 26, Guski teaches said translating includes encrypting said preferred word (Guski: see for example, Column 3 Line 57 – 60).

As per claim 3, 11, 19 and 27, Leet-Speak teaches said translating includes substituting a character of the preferred word for another character, wherein the another character is a special character (Leet-Speak: Page 1, 2nd – 4th Para: \$=>'S', 4=>'A' and 3=>'e' as disclosed by Leet-Speak).

As per claim 5, 13, 21 and 29, Leet-Speak teaches wherein said password is sufficiently similar to said preferred word, such that the password is remembered by the user if the user remembers the preferred word (Leet-Speak: Page 1, 2nd Para).

As per claim 6, 14, 22 and 30, Guski teaches said translating is accomplished by software running on a first computer; and said target application runs on a second computer (Guski: see for example, Column 7 Line 4 – 7 and Figure 2).

As per claim 33, Guski teaches the claimed invention as described above (see claim 1 and 9 respectively). Guski further teaches a particular preferred word creates

the same password each time the preferred word is translated (Guski: see for example, Figure 4 Element 302 and Element 414: Guski indeed discloses a particular preferred word (i.e. USER ID) creates the same non-time-dependent password (Element 414) each time the preferred word is translated from USER ID in conjunction with Application ID and Sign-on key after XOR and DES encryptions / translations).

5. Claims 4, 7 – 8, 12, 15 – 16, 20, 23 – 24, 28 and 31 – 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guski (Patent Number: 5592553), in view of Leet-Speak ("Leet Speak", leet speak@Everything2.com, March 23, 2000), and in view of Audebert (Patent Number: 5887065).

As per claim 4, 12, 20 and 28, Guski as modified does not disclose expressly said translating includes inserting at least one special character into the preferred word.

Audebert teaches said translating includes inserting at least one special character into the preferred word (Audebert: see for example, Abstract Line 13 – 14: Audebert teaches adding the digits to the generated password). See the same rationale of combination applied herein as above in rejecting claim 7.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify adding the digits to the generated password to accommodate adding the special characters to the generated password because password format rule that requires special characters is well-known in the art (Audebert: see for example, Abstract Line 13 – 14).

As per claim 7, 15, 23 and 31, Guski as modified does not disclose expressly said translating is accomplished at least in part by a smart card.

Audebert teaches said translating is accomplished at least in part by a smart card (Audebert: see for example, Figure 9 and Column 17 Line 13 – 19).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Audebert within the system of Guski as modified because (a) Kuski teaches a password generating / translating method that can be used between two computers and (b) Audebert teaches a method that a smart card can takes a part in generating the password to simplify the software implementation on the PC (Audebert: see for example, Column 17 Line 13 – 19).

As per claim 8, 16, 24 and 32, Guski as modified does not disclose expressly said translating is accomplished by software running on the same computer as said target application.

Audebert teaches said translating is accomplished by software running on the same computer as said target application Audebert: see for example, Abstract, the Last Sentence). See the same rationale of combination applied herein as above in rejecting claim 7.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LBC

Longbit Chai
Examiner
Art Unit 2131


Primary Examiner
Art Unit 2131
1/26/06